

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

NATHANIEL WILLIAMS,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	2:07-cv-00963-WKW-TFM
FOLEY PIPE PRODUCTION COMP.,)	
BOB SAPONE AND STEVE VICK,)	
)	
Defendants.)	

MOTION TO DISMISS ON BEHALF OF
DEFENDANTS SAPONE AND VICK

COME NOW Defendants Bob Sapone (“Sapone”) and Steve Vick (“Vick”) and, pursuant to Rule 12(b)(6) and applicable and procedural substantive law, move to dismiss Plaintiff’s Complaint against them, in its entirety, on the grounds that, briefly stated, (1) Plaintiff has failed to plead a legally sufficient conspiracy claim under § 1985(3); (2) Plaintiff cannot assert a legally viable § 1985(3) claim against Sapone and Vick based upon the intracorporate conspiracy exception; and (3) Plaintiff cannot base a § 1985(3) claim upon a statutory right, nor can he assert an underlying constitutional claim. In support of their Motion to Dismiss, Sapone and Vick have filed, concurrently herewith, a “Memorandum of Law in Support of Motion to Dismiss on Behalf of Defendants Sapone and Vick.”

WHEREFORE, PREMISES CONSIDERED, Defendants Sapone and Vick move that this Court dismiss Plaintiff's Complaint against them, in its entirety, with prejudice, and that the Court grant any and all other relief that it deems just and proper.

Respectfully submitted,

s/Steven M. Stastny

Steven M. Stastny – ASB-7803-S71S

s/Susan W. Bullock

Susan W. Bullock – ASB-2035-U81S

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CERTIFICATE OF SERVICE

I hereby certify that on November 2, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Norman Hurst, Jr., Esq.
462A Sayre Street
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and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: N/A

s/Steven M. Stastny
OF COUNSEL

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